



**MEMORANDUM**

**Transportation and Development – CC Memo No. 13-077**

**DATE:** AUGUST 15, 2013

**TO:** MAYOR AND COUNCIL

**THRU:** RICH DLUGAS, CITY MANAGER *RD*  
MARSHA REED, ASSISTANT CITY MANAGER *MR*  
R.J. ZEDER, TRANSPORTATION & DEVELOPMENT DIRECTOR *RJ*  
JEFF KURTZ, PLANNING ADMINISTRATOR *JK*  
KEVIN MAYO, PLANNING MANAGER *KM*

**FROM:** SUSAN FIALA, CITY PLANNER *SF*

**SUBJECT:** LUP13-0002 SAGE BAR

**Request:** Liquor Use Permit extension approval to sell and serve all spirituous liquor within a restaurant, bar, and outdoor patio and to have live music (Series 6 Bar License)

**Location:** 4929 West Chandler Boulevard, Suite 12, at the southeast corner of Chandler Boulevard and Rural Road

**Applicant:** Anny Narron, Owner

**RECOMMENDATION**

Upon finding the request to be consistent with the General Plan and Planned Area Development (PAD) zoning, Planning Commission and Planning Staff recommend approval for one (1) year, subject to conditions.

**BACKGROUND**

The subject business is in the Twelve Oaks Plaza commercial center located at the southeast corner of Rural Road and Chandler Boulevard. Sage Bar occupies the eastern suite in a multi-tenant building located in the commercial center. The commercial center also has a Walgreens, a Baker Brothers carpet/flooring business and other inline suite tenants. The Twelve Oaks single-family subdivision is located south and east of the commercial center.

The request is to approve a Liquor Use Permit time extension to sell and serve all spirituous liquor within a restaurant, bar, and outdoor patio under a Series 6 Liquor License and have live

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music. Sage Bar received Liquor Use Permit approval in 2011 under a Series 6 bar license with a time condition of one year.

The business is open seven days a week, from 12 p.m. until 2 a.m. The suite is approximately 4,000 square feet with an approximate 850 square foot outdoor patio. Employees include two servers, three cooks, three bartenders, and one manager. The current bar and restaurant entertainment operation includes pool tables, Karaoke, a Disc Jockey (DJ), darts, video games, corn holes, and live jenga.

The request to add live music to the entertainment venue would provide a benefit to their business and further appeal to their customers. Live music would be scheduled during Thursday, Friday, and Saturday nights. Thursday nights, from 6 p.m. to 10 p.m., small acoustic bands may perform. Friday nights, from 9 p.m. to 1 a.m., Karaoke or a DJ would take place. Saturday night performances would be from two to five member bands. Saturday night hours are proposed to change from the summer hours of 9 p.m. to 1 a.m. to the spring, fall and winter the hours of 8 p.m. until Midnight. A portable stage would be built during live music events and be located in the northeast section of the suite. Tables would be moved to accommodate the stage area.

Due to the proximity to the single-family subdivision, a condition of the 2011 Use Permit was placed on the business to keep the doors closed during Karaoke events in order to better protect the adjacent neighborhood from noise. Planning Staff has modified the language of the previous condition related to the closure of exterior doors to address all entertainment and has added conditions to address any potential noise concerns. Planning Staff recommends a one-year time limit to allow evaluation of compatibility of the live music with the surrounding residential and business developments.

A Series 6 Bar License allows a bar retailer to sell and serve spirituous liquors to be consumed on the premises and in the original container for consumption on or off the premises. Under a Series 6 Bar License, the establishment does not have a requirement for percentage of food versus alcohol sales.

### **DISCUSSION**

Planning Staff supports the request with conditions, finding that the bar with live music indoors is appropriate at this location if the live music and all entertainment are controlled so as to not unreasonably disturb the surrounding businesses and residents. Staff received one complaint during the public notification process concerning loud music. Staff notified the applicant/owner to be made aware of this issue and address the noise. The owner indicated she would tell her employees and the DJ to keep the volume reduced.

### **PUBLIC / NEIGHBORHOOD NOTIFICATION**

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on May 29, 2013. No one other than the applicant attended.
- The Police Department has been informed of the application and has no issues or concerns.

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- Staff has received a phone call followed with an email [see attached] from a neighbor who states that music is played loudly and can be heard across Chandler Boulevard, into their single-family home.

**PLANNING COMMISSION VOTE REPORT**

Motion to Approve.

In Favor: 6    Opposed: 0    Absent: 1 (Baron)

**RECOMMENDED ACTION**

Planning Commission and Planning Staff, upon finding consistency with the General Plan and Planned Area Development (PAD) zoning, recommend approval of LUP13-0002 SAGE BAR, for one (1) year, subject to the following conditions:

1. The Use Permit granted is for a Series 6 license only, and any change of license shall require reapplication and new Use Permit approval.
2. The Use Permit is non-transferable to any other location.
3. Expansion or modification beyond the approved exhibits (Site Plan, Floor Plan and Narrative) shall void the Use Permit and require new Use Permit application and approval.
4. The Use Permit shall remain in effect for one (1) year from the effective date of City Council approval. Continuation of the Use Permit beyond the expiration date shall require re-application to and approval by the City of Chandler.
5. The outdoor patio shall be maintained in a clean and orderly manner.
6. Live music and speakers shall be prohibited within the outdoor patio.
7. Music shall be controlled so as to not unreasonably disturb area residents and businesses and shall not exceed the ambient noise level as measured at the commercial property line.
8. No noise shall be emitted from the live entertainment occurring indoors that exceeds the general level of noise emitted by uses outside the premises of the business and further will not disturb adjacent businesses and residential areas.
9. The site shall be maintained in a clean and orderly manner.
10. The establishment shall provide a contact phone number of a responsible person (bar owner and/or manager) to interested neighbors to resolve noise complaints quickly and directly.
11. All exterior doors shall remain closed and shall not be propped open when live acoustical music, bands, karaoke, or a disc jockey occurs.

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**PROPOSED MOTION**

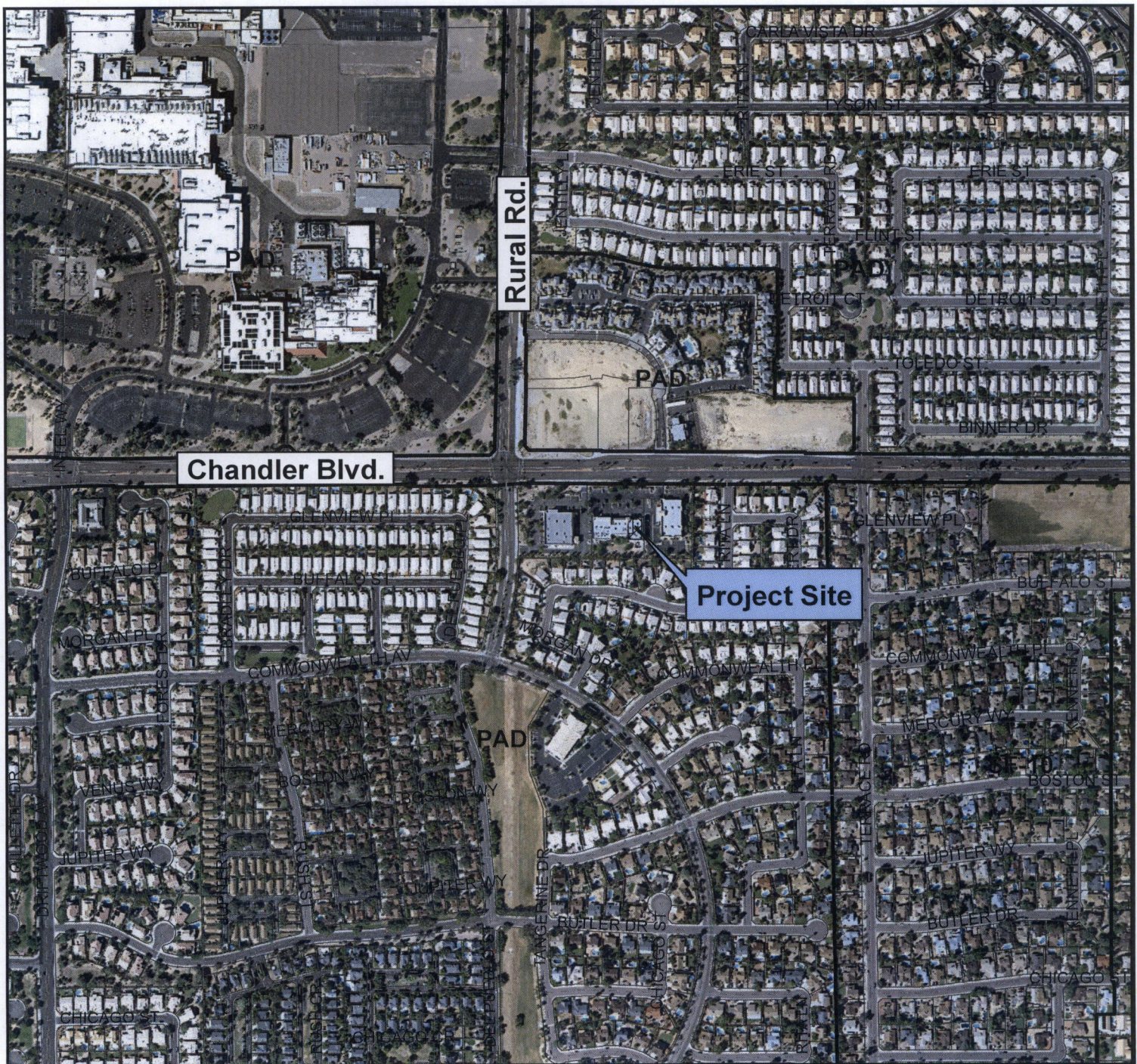
Motion to approve Liquor Use Permit, LUP13-0002 SAGE BAR, for one (1) year, subject to the conditions recommended by Planning Commission and Planning Staff.

**Attachments**

1. Vicinity Maps
2. Aerial
3. Floor Plan
4. Narrative
5. Photos
6. Citizen Correspondence







## Vicinity Map



LUP13-0002

**Sage Bar & Vietnamese Cuisine  
Liquor Use Permit**

CITY OF CHANDLER 3/21/2013



**Chandler Arizona**  
Where Values Make The Difference



# AERIAL



Outdoor Patio

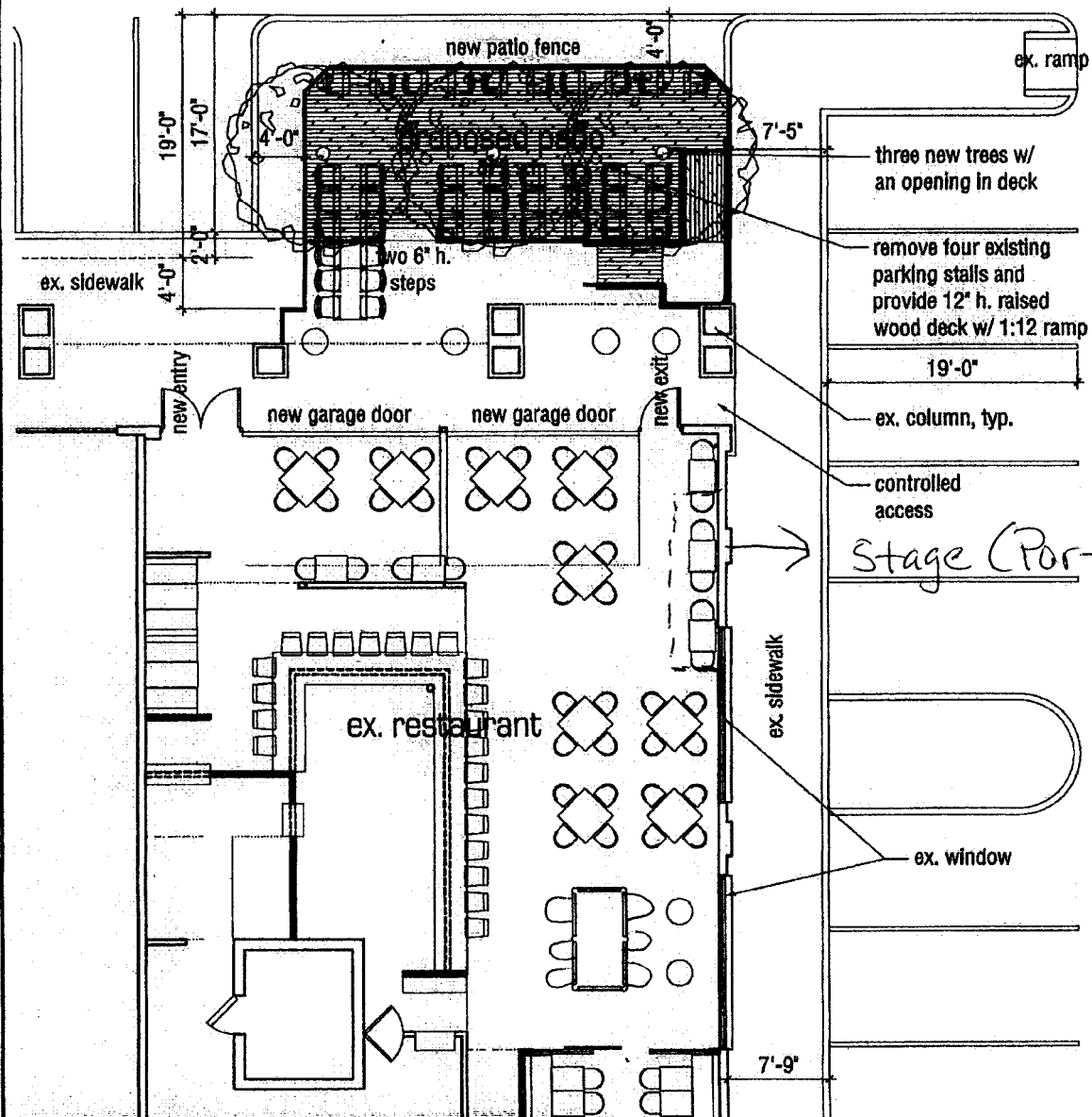
Trash Dumpster

Twelve Oaks subdivision



# proposed patio plan alternate

sk-01 rev1



## site data

### building areas:

ex. building area:

42,785 s.f.

proposed patio area:

872 s.f.

total area:

43,657 s.f.

### parking requirements:

parking required:

$(43,657 / 1000 * 5.5) = 241$  spaces

parking provided:

245 existing - 4 infill = 241 spaces

Pool  
Table

sage restaurant

4929 w. chandler blvd. #12

date: october 25, 2011

scale: 1/8"=1'-0"

sheet reference: n/a



Tape Measure -



February 26, 2013

To: City of Chandler – Planning Division

Re: Cole Curtis Inc. DBA SAGE BAR

Address: 4929 W. Chandler Blvd. #12, Chandler AZ 85226

To Whom It May Concerns:

Per the requirements of the City of Chandler Use Permit Submittal Checklist, we are providing the final required document outlining the narrative and description of the business.

### **Description of Proposed Project**

The renewal of Liquor Use Permit of Sage Bar, a full service restaurant and bar. We would like to request additional live entertainment to our business. The last 10 months was a very difficult time for us to operate as a small business and a local bar restaurant without any type of live entertainment. Every small business surrounding our business within 5 miles radius had some type of live entertainment (Teakwoods Tavern & Grill, Jersey's, Tonic, San Tan Brewer, Irish Republic, Bourbon Jacks etc.) and Sage Bar offers no entertainment to our local customers at all. We as small business owner will not be successful or can compete with our local competitors due to live entertainments. Please allow us to have some type of live entertainment for our business during Thursday, Friday and Saturday nights as listed below. We are approaching our one year anniversary and would like our business to stay open for years to come.

#### **Sage Bar Propose Live Music**

Thursday – 6pm-10pm Acoustic (One or Two member band)

Friday – 9pm-1am (Karaoke or DJ)

Saturday – (2-5 Members Acoustic and/or Band)

Summer Hours 9pm-1am

Spring/Fall/Winter Hours 8pm-Midnight

### **Architecture**

The architecture of the building will remain consistent and compliant with the already constructed business plaza.

### **Site Design**

The site design has been developed by an architectural firm and previously provided to your office.

Landscaping Theme/Design

### **Parking**

There is adequate and sufficient parking available for all the businesses located within the business plaza. 243 spaces

### **Uses**

The proposed use to renew the liquor use permit for restaurant and bar within the business plaza for Series 6 License

### **Hours of Operations**

Monday to Sunday 12pm-2am as the business open 7 days a week.

### **Number of Employees**

2 Servers, 3 Cooks, 3 Bartenders and 1 Manager.

### **Entertainment**

The list of entertainment will include karaoke/DJ, live music, pool tables, dart games, video games, corn holes and live jenga all within the interior of the business. We are going to build a stage of 8'x10' (a stackable 3 pieces stage) that will be put together when we have live music. The stage will locate at Northeast corner of our restaurant/bar. We will move our tables around to accommodate weekend live entertainments. Enclosed is a hand drawn draft of the floor plan where the stage will be located.

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Spring/Fall/Winter Hours 8pm-Midnight

### **Building Sizes**

The building size is 4000 square foot interior and 850 square foot exterior / patio area.

### **Total Building Area**

The total building area of the business plaza is 42,785 square foot plus the addition of 850 square foot for the patio on the north end of the business for a total 43,635 total square foot.

### **Property Size**

The property size of the business plaza is 43,635 square foot and the size of the business within the plaza is 4850 square foot (4000 square foot interior + 850 square foot exterior patio area).

### **Zoning Code Requirements**

The site is commercially zoned and previously approved for requested business use.

Anny Dinh Narron





EVERYDAY SPECIAL  
Corona Buckets  
5 7oz. bottles for  
\$8.99







Looking south toward Residential



Looking northwest. Biagio condos in distance.





Looking northeast. Across Chandler Blvd. to Residential



South [rear of property]

Sage Bar Liquor Use Permit Application - Concern

[REDACTED]

to:

susan.fiala

05/17/2013 10:42 AM

Hide Details

From: [REDACTED]

To: susan.fiala@chandleraz.gov

Hello Susan,

Thanks for your time returning my call and listening to my concern.

Per our conversation, I can not attend the neighborhood meeting scheduled for May 29 due to a prior commitment. I would like to voice my concern on the playing of loud music during the weekend that lasts through the early morning and can be heard quarter mile away from inside my house. It had caused my family lack of sleep during those days.

I have attached below their use permit that I downloaded from the City of Chandler website:

In page 3 of 5, it states the following:

"Staff recommends a condition that would prohibit karaoke or other live music whenever the doors are open in order to better protect the adjacent neighborhood from noise."

"The willingness to limit the overhead doors and main entrance to the north side (and not the east side) will help protect the adjacent neighborhood from unwanted noise. Karaoke, we find, could produce a substantially higher noise volume that must be fully contained indoors at this location; thus, a proposed condition would require the garage doors to remain closed during hours of karaoke."

In page 4 of 5, it states the following:

"7. Music shall be controlled so as to not unreasonably disturb area residences."

In fact, the music was so loud it can be heard from so far away. The garage doors were left open when they were playing very loud music. In addition, the sound emanating from the premises appears to be live band and/or club style music.

I am not against the consumption of liquor nor club music when it is controlled or contained. I am concerned when a business in a mainly residential neighborhood starts playing loud music late at night causing inconvenience.

Best regards...

[REDACTED]

Concerned neighbor residing near the corner of Rural Rd & Chandler Blvd

5/17/2013